United Nations A/67/887

General Assembly

Distr.: General
12 June 2013
English
Original: Russian

Sixty-seventh session
Agenda item 34
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 10 June 2013 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a statement by Mr. V. Chirikba, Minister of Foreign Affairs of the Republic of Abkhazia, in connection with the draft resolution on the "Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia" before the General Assembly at its sixty-seventh session (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-seventh session of the General Assembly.

(*Signed*) Vitaly **Churkin**

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Annex to the letter dated 10 June 2013 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

[Original: English]

Statement of the Minister for Foreign Affairs of the Republic of Abkhazia to members of the General Assembly

I take this opportunity to bring it to your attention that Georgia is intending to introduce to the General Assembly its annual draft resolution on the "Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia", on 13 June 2013.

The main objective of this initiative is to gain international support for Tbilisi's claim over the Republics of Abkhazia and South Ossetia, which is absolutely illegitimate and baseless in terms of international law.

Prior to the admission of Georgia into the family of the United Nations in 1992, the Government and Parliament of the Republic of Abkhazia made an appeal to the Secretary-General of the United Nations warning the United Nations against recognition of the so-called territorial integrity of Georgia within the borders of the former Soviet Union Republic of Georgia since there was already legal territorial dispute between the Republic of Abkhazia and the Republic of Georgia, the latter of which claimed the territory of Abkhazia. By that time, Abkhazia had implemented its right to self-determination and consequent independence from Georgia in accordance with the Soviet law on the procedure of the settlement of questions connected with the withdrawal of a Republic of the Union from the Union of Soviet Socialist Republics of 3 April 1990.

Adoption of any international political document, even if it is not legally binding, should be based on careful consideration of all the facts and arguments of all parties concerned.

Georgia's appeal to the participants of the Geneva discussions "to intensify their efforts to establish a durable peace and to commit to enhanced confidence-building measures" seems inconsistent with Tbilisi's categorical refusal to sign a legally binding agreement on the non-use of force with the Republics of Abkhazia and South Ossetia.

The return of all displaced persons to their former homes cannot be conducted in a situation where there is a risk of renewed hostilities. The principle of non-refoulement (article 33 of the Convention relating to the Status of Refugees prohibits the expulsion of refugees or their forced return) should have the same value as the right to return in the context of the Georgian-Abkhazian conflict. The concerns of the receiving population about accepting massive numbers of Georgian refugees, without considering the economic, political and security implications of such a mass return, should prevail.

Georgia constantly inflates the numbers of refugees and receives substantial international aid for these exaggerated numbers. Georgia should bear the responsibility for the promotion of social reintegration of displaced persons living

on its territory according to article 34 of the Convention relating to the Status of Refugees.

The problem of refugees should not be used as an instrument of political pressure. We are convinced that the Georgian initiative is counterproductive and will only complicate the situation in the region, delay resolution of the existing humanitarian problems and further undermine the level of trust between Abkhazia, South Ossetia and Georgia, impeding the settlement of refugee issues.

The Abkhazian side is convinced that Georgian attempts to put forward a politicized and one-sided resolution for a vote at the General Assembly seriously undermine the efforts of the international community, as well as of the Abkhaz side, to discuss relevant issues at the international discussions in Geneva on security and stability in the Caucasus.

It is worth mentioning that the Abkhaz side is constantly denied the opportunity to present its own position on the refugee issue before the esteemed delegates of the General Assembly.

Given the importance of peace, security and stability in this region, and of the necessity to address the concerns of all parties involved, not only those of the Georgian side, we would highly appreciate it if your esteemed Governments abstain from supporting the Georgian draft resolution this year.

(*Signed*) V. **Chirikba**

Enclosure

On the origins of the conflict between the Republic of Abkhazia and the Republic of Georgia

In 1810 Abkhazia voluntarily joined the Russian Empire as a self-governing Principality, separately from Georgia. Following the wars in the Caucasus in the second half of the nineteenth century, a large part of the indigenous Abkhaz population left Abkhazia, and its territory became an attractive ground for Georgia's expansion. Georgia's ultranationalist circles intensified their activities to establish control over Abkhazia after the break-up of the Russian Empire. In May 1918, the newly established Georgian Democratic Republic, supported by German troops, occupied and annexed Abkhazia.

On 31 March 1921, following the establishment of the Soviet rule, the Soviet Socialist Republic of Abkhazia was proclaimed. Two months later, the new authorities of Georgia recognized its independence.

The Soviet Socialist Republic of Abkhazia took part in the establishment of the Union of Soviet Socialist Republics as a sovereign State, and its representative signed the Treaty on the Establishment of the Union of Soviet Socialist Republics in December 1922.

Starting from February 1922 until February 1931, the Soviet Socialist Republic of Abkhazia was united with the Soviet Socialist Republic of Georgia on an equal basis to form a common State called the "Treaty-based Soviet Socialist Republic of Abkhazia". However, in February 1931, by the order of Joseph Stalin and against the will of the Abkhaz people, the Treaty-based Soviet Socialist Republic of Abkhazia was transformed into an autonomous republic and was made part of the Soviet Socialist Republic of Georgia. The encroachment upon the sovereign rights of Abkhazia and its lowered status of autonomy within Georgia resulted in public outrage and a national gathering, which vehemently protested such decision.

In 1937, one of the darkest periods in the contemporary history of Abkhazia started. Stalin's secret services chief, Lavrentiy Beria, initiated a wave of terror and repression in the Republic in order to annihilate the political and intellectual elite of the Abkhaz people. The policy of intensified Georgianization was pursued: Georgian script was imposed instead of Abkhaz writing, original Abkhaz place names were changed to Georgian ones, teaching in the Georgian language replaced teaching in the Abkhaz language, the Abkhaz population was prohibited from calling themselves a people. During the period from 1937 to 1953, tens of thousands of Georgians were moved from Georgia to Abkhazia, with the aim of altering the ethnic and demographic composition of the population of Abkhazia.

After the collapse of the Union of Soviet Socialist Republics, on 23 July 1992, the Supreme Council of Abkhazia pronounced Abkhazia a sovereign State, subject to international law. At the same time, the Parliament of Abkhazia invited the leadership of Georgia to begin negotiations on establishing equal relations on the basis of a federal agreement.

In response, Georgia started a war of aggression against Abkhazia that lasted for 13 months. More than 7,000 people were killed, and 200,000 to 250,000 people (out of 550,000 people who lived in Abkhazia before the war) became refugees. In

September 1993, the Abkhaz forces gained a decisive victory over the Georgian troops. Abkhaz nationhood was fully restored.

As a result of United Nations-sponsored talks between Abkhazia and Georgia, on 14 May 1994, the Agreement on the Ceasefire and Separation of Forces was signed in Moscow.

Starting in June 1994, the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS) were deployed in the conflict zone on the basis of this agreement and the subsequent decision of the Council of the CIS Heads of State. The United Nations Security Council established the United Nations Observer Mission in Georgia (UNOMIG).

In 1994, the Group of Friends of the Secretary-General for Georgia, with the participation of the Russian Federation, the United Kingdom, Germany, France and the United States of America, was established.

On 19 January 1996, the Council of the CIS Heads of State adopted a decision on measures for the settlement of the conflict in Abkhazia that imposed restrictions regarding official trade and economic, financial, transport and other operations with Abkhazia. This was meant as an effective blockade of Abkhazia in order to bend Abkhazia to the will of Georgia.

On 6 and 7 March 2003, a meeting was held in Sochi between Vladimir Putin, President of the Russian Federation, and Eduard Shevamadze, President of Georgia, with the participation of the Abkhaz side. It was decided to set up three working groups with the participation of the Russian Federation, Georgia and Abkhazia: (a) on the return of refugees and internally displaced persons to the Gal region; (b) on the renewal of direct Sochi-Sukhum-Tbilisi railway communication; and (c) on upgrading of the Ingur hydroelectric facilities.

However, the ongoing work on these tracks was disrupted after Mikheil Saakashvili came to power in Georgia. On 18 June 2006, the Georgian parliament adopted a statement that the activities of peacekeepers in Abkhazia and South Ossetia presented one of the main obstacles for a peaceful settlement of the conflict. In that context, the Georgian Government was tasked to begin the termination of peacekeeping operations in Abkhazia and South Ossetia, to suspend relevant international treaties and the activities of agencies, and to immediately withdraw the contingents of the CIS Collective Peacekeeping Forces from Georgia.

In July 2006, in the upper Kodor valley in Abkhazia, where, in contravention of the 1994 Moscow Agreement, police and military units of Georgia were deployed, the situation deteriorated. On 13 April 2007, the Security Council adopted resolution 1752 (2007), in which it stressed the stabilizing role of the CIS peacekeeping force, called on the Georgian side to bring the situation in the upper Kodor valley into line with the 1994 Moscow Agreement, and to finalize without delay the document between Tbilisi and Sukhum on the non-use of force and on the return of refugees and internally displaced persons.

Having ignored the provisions of Security Council resolution 1752 (2007), the Georgian side continued to build up its army and police presence in the upper Kodor valley, increasing its strength to 2,500 by August 2008, with the aim of preparing another attack on Abkhazia.

Between August 2007 and March 2008, UNOMIG registered 26 flights of unmanned aerial vehicles over the territory of Abkhazia, conducting reconnaissance in violation of the 1994 Moscow Agreement and Security Council resolutions.

The Georgian side thus blocked the negotiation process and made it impossible to agree on terms for ensuring security and the normal social and economic development of Abkhazia and addressing the most pressing problems facing its population.

In that context, on 6 March 2008, the Ministry of Foreign Affairs of the Russian Federation sent an official note to the CIS Executive Committee stating that, in view of the changed situation, it considered itself to be no longer bound by the provisions of the decision of the CIS Council of Heads of State on measures for the settlement of the conflict in Abkhazia, Georgia, of 19 January 1996 banning official trade and economic, financial, transport and other operations with Abkhazia. Earlier, the Group of Friends of the Secretary-General for Georgia had repeatedly recommended that the economic sanctions against Abkhazia be lifted. The Security Council supported this recommendation in its resolution 1781 (2007) of 15 October 2007.

In the course of his interviews with Mikheil Saakashvili on 6 June 2008 in Saint Petersburg and on 6 July 2008 in Astana, President Dmitry Medvedev called on Georgia to sign an agreement on the non-use of force and security safeguards with Abkhazia and South Ossetia and to conclude an arrangement on the withdrawal of Georgian troops and police forces from upper Kodor valley and the de-escalation of the situation there.

The night of 7 to 8 August 2008 marked the culmination of the policy of provocation on the part of Tbilisi. The Georgian side unleashed full-scale military actions against South Ossetia using heavy armament and military equipment (aviation, tanks, howitzers and multiple rocket launchers) despite the assurances on the non-use of force made by Mikheil Saakashvili a few hours earlier. The headquarters of the Joint Peacekeeping Forces was heavily attacked, and fire was aimed at its observation posts and at living quarters, graveyards and cultural monuments. The shells also hit the office of the Organization for Security and Cooperation in Europe (OSCE) where OSCE observers were located. On 8 August, Georgian troops entered the South Ossetian capital Tskhinval.

In order to repel the Georgian attack and to comply with the commitments of the Russian Federation under the 1992 Agreement, in accordance with Article 51 of the Charter of the United Nations, the units of the armed forces of the Russian Federation entered South Ossetia to assist the Russian peacekeepers. On 12 August 2008, after the liberation of South Ossetia and the suppression of the Georgian positions that were bombing its territory, Dmitry Medvedev, President of the Russian Federation, decided to conclude the operation as it had achieved its objectives. The security of peacekeeping forces and civil population was restored.

On 12 August, the Abkhaz side started an operation to re-establish its control over the strategically important upper Kodor valley and to force the Georgian armed formations out of the valley. On 13 August, Abkhaz sovereignty over the valley was restored.

On 25 August 2008, both Chambers of the Russian Federal Assembly unanimously adopted statements in support of independence of South Ossetia and

Abkhazia and recommended that the executive branch implement all procedures necessary for their recognition by the Russian side in response to the official request of Abkhaz and South Ossetian authorities.

On 26 August 2008, Dmitry Medvedev, President of the Russian Federation, signed decrees on the recognition of independence of Abkhazia and South Ossetia by the Russian Federation.